

**HB 244 Representative J. Essmann**

**Appropriate \$1 million to protect state's access to domestic and international markets**

*Madam Chair*

~~Mr. Chairman~~ and members of the committee, my name is Richard Parks. I own and operate a sporting goods store and fishing outfitting business in Gardiner, MT. I appear today on behalf of Northern Plains Resource Council. We are a family agriculture and grassroots conservation organization.

Northern Plains opposes HB 244 because we believe it reflects poor fiscal policy that will not bring meaningful benefits to the state of Montana and its residents. We further believe that the litigation this fund intends will ultimately be unsuccessful and a waste of taxpayer money.

House Bill 244 will create a \$1 million fund to be used at the discretion of the Attorney General to litigate other states' decisions. Specifically, we believe these funds are being set aside primarily to challenge permitting decisions for proposed coal export terminals in Washington state.

We have seen this story before. On September 8, 2014 the state of Wyoming appealed a decision from the Oregon Department of State Lands to reject a permit for construction of a dock at the Port of Morrow on the Columbia River. The port project would have transferred coal from trains to barges on the Columbia, which would have then transferred to ocean-going vessels for shipment to Asian markets.

Wyoming's attorney general asserted in his appeal letter that the Oregon Department of State Lands went beyond its authority when it denied the permit.

By October 1<sup>st</sup> Wyoming's appeal was denied, because the nation's biggest coal-producing state did not have legal standing in the permit decision. Do we want to follow this example? If Wyoming didn't have legal standing in Oregon's permitting decision, why would Montana have standing in Washington's permitting decisions?

We also believe this bill will place Montana on the wrong side of a states' rights argument. Why would we appropriate \$1 million dollars of taxpayers' money to the Attorney General to sue another state's government over decisions made within its borders? Montana would be arguing that the people of Washington have no say in a matter that directly affects their lives. We believe this is a dangerous path for Montana, and that this money could be spent in a better fashion.

Northern Plains, therefore, urges a "do not pass" on House Bill 244. Thank you for your time Mr. Chairman and members of the committee.